

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARBON CAPITAL II, INC., a Maryland
corporation,

Plaintiff,

- against -

ROYAL PALM SENIOR INVESTORS, LLC, a
Delaware limited liability company, and GUY T.
MITCHELL, an individual,

Defendants.

X

Index No. 08 Civ. 3660 (JES)

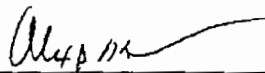
NOTICE OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1), plaintiff Carbon Capital II, Inc.
hereby voluntarily dismisses the above-captioned action in its entirety, without prejudice against
defendants Royal Palm Senior Investors, LLC and Guy T. Mitchell.

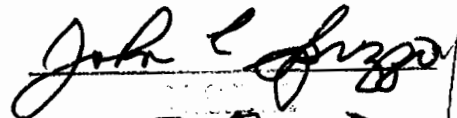
Dated: New York, New York
May 7, 2008

Respectfully submitted,

SIDLEY AUSTIN LLP

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5-8-08